



1742

PATENT APPLICATION
U.S. Serial No. 10/041,115
Attorney Docket No. 2204-012023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Art Unit 1742

Junichi KATSUKI et al.

Serial No. 10/041,115

Filing Date January 8, 2002

Examiner – Roy King

RECEIVED:

FEB 13 2003

TC 1700

AUSTENITIC STAINLESS STEEL
LESS SUSCEPTIBLE TO CRACKING
DURING FORMING AND A
MANUFACTURING METHOD THEREOF

Pittsburgh, Pennsylvania
February 7, 2003

ELECTION WITH TRAVERSE

BOX NON-FEE

Commissioner for Patents
Washington, DC 20231

Sir:

This Election With Traverse is in response to the restriction requirement set forth in the Office Action dated January 9, 2003 in the above-identified patent application.

The Examiner states that this application contains claims directed to two patentably distinct inventions namely: a) Group I: claims 3, 5 and 6 covering an austenitic stainless steel that is less susceptible to cracking; and b) Group II: claims 4, 7-10 covering a method of manufacturing an austenitic stainless steel. The Applicants hereby elect to proceed with Group I, claims 3, 5 and 6 directed to an austenitic stainless steel that is less susceptible to cracking. Applicants hereby make this Election With Traverse.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on February 7, 2003.

Polly J. Moyles
(Typed Name of Person Mailing Paper)

Signature

2/7/03
Date

The method of making an austenitic stainless steel set forth in the non-elected claims 4, 7-10 include method steps, which define a structure substantially similar to those found in the apparatus claims of elected claims 3, 5 and 6. A review of claims 4, 7-10 in connection with elected claims 3, 5 and 6 illustrate that a complete search of the elected claims 3, 5 and 6 must necessarily include a search of the method of manufacturing an austenitic stainless steel set forth in claims 4, 7-10. For these reasons there can be no serious burden on the Examiner for maintaining both groups of claims in a single application.

Additionally, the Examiner suggests that the restriction is proper because a product can be made by a materially different process, such as adding silicon-manganese alloy to melted stainless steel. There certainly may be other techniques for manufacturing the austenitic stainless steel set forth in independent claim 3, however, the addition of silicon-manganese alloy is not a representative example. It should be noted that it is the other steps set forth in the process of claims 4, 7-10, which establish the patentability of these claims. Regardless, our review of the claims as well as our review of the state of the art indicate that the two identified group of claims should be maintained in the same application and reconsideration of the Examiner's restriction requirement is respectfully requested. Claims 3-10 remain in the application and examination of all the claims is respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By



Christian E. Schuster
Registration No. 43,908
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com